

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM J. HAWKINS,	§
	§
Defendant Below-	§ No. 546, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 9911005395
Plaintiff Below-	§
Appellee.	§

Submitted: November 27, 2006

Decided: January 25, 2007

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 25<sup>th</sup> day of January 2007, upon consideration of the appellant's opening brief and the State's motion to affirm, it appears to the Court that:

(1) The appellant, William Hawkins, filed this appeal from the Superior Court's denial of his motion for correction of illegal sentence. The State of Delaware has filed a motion to affirm the judgment below on the ground that it is manifest on the face of Hawkins' opening brief that the appeal is without merit. We agree and affirm.

(2) The record reflects that a Superior Court jury convicted Hawkins in March 2000 of second degree assault, second degree unlawful imprisonment, and possession of a deadly weapon during the commission of

a felony. Pursuant to 11 Del. C. § 4214(a), the State moved to have Hawkins declared an habitual offender with respect to his assault and weapon convictions. The Superior Court sentenced Hawkins under Section 4214(a) to 8 years at Level V imprisonment on the assault conviction and to a consecutive term of 22 years at Level V imprisonment on the weapon conviction. This Court affirmed Hawkins' convictions and habitual offender sentences on direct appeal.<sup>1</sup>

(3) In this appeal, Hawkins argues that his habitual offender status as to both the assault and weapon convictions is illegal because both charges were part of the same criminal episode. This exact claim was raised and rejected by this Court in Hawkins' direct appeal. The Superior Court did not err in refusing to consider this previously litigated claim.<sup>2</sup>

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>1</sup> *Hawkins v. State*, 2002 WL 384436 (Del. Mar. 6, 2002).

<sup>2</sup> *Brittingham v. State*, 705 A.2d 577, 579 (Del. 1997).